

REMARKS

This application pertains to a novel flame-retardant pressure-sensitive adhesive, having improved bond strength.

Claims 1-32 are pending.

Applicants note with appreciation the Examiner's suggestion that claims 7 and 12 be restored to the condition they were in prior to the last amendment. This has now been done.

In addition, claim 1 has been amended to recite a flame retardant component consisting essentially of an ammonium polyphosphate. Support for this can be found in Applicants' Examples.

Claims 1-4, 6-8, 10-13, 18-27, 31 and 32 stand rejected under 35 U.S.C. 102(b) as anticipated by Parsons (US 5,851,663).

Applicants' have previously pointed out that Parsons requires the use of Ammonium Phosphate **together with another compound, such as a nitrogen containing oligomer**. Applicants' compositions, by contrast, do not need a second compound in their flame retardant, such as Parsons does.

In response, the Examiner points out that Applicants' claims use the term "comprising" and therefore, in the Examiner's opinion, do not exclude the second component of Parsons's flame retardant.

In order to more clearly define Applicants' flame retardant component as not requiring a combination of flame retardant compounds, such as is required by Parsons, Applicants have now amended their main claim to recite "consisting essentially of". Support for this limitation can be found in Applicants' Examples, wherein the only flame retardant included in Applicants' flame retardant component is ammonium polyphosphate. Accordingly, this amendment does not involve any new matter.

The Parsons reference clearly requires that a second component be blended with his ammonium polyphosphate. Thus, for example, at column 2, lines 57-60, and in Example 8, Parsons describes and uses SPINFLAM MF82, which is a combination of a nitrogen containing oligomer and ammonium polyphosphate. At column 2, lines 61-65, Parsons describes EXOLIT IFR-10 AND EXOLIT IFR 23, as mixtures of ammonium polyphosphate and other flame retardant synergists and co-agents. In the language continuing from column 2, line 66 through column 3, line 12, Parsons describes other flame retardants comprising ammonium polyphosphate together with a second flame retardant component.

Nowhere can Parsons be seen as teaching or suggesting a flame-retardant pressure sensitive adhesive comprising an acrylate adhesive component, a flame

retardant component consisting essentially of an ammonium polyphosphate, and a tackifying resin.

In addition, and as previously pointed out to the Examiner, nowhere does Parsons teach or suggest a combination of **an acrylate adhesive**, an ammonium polyphosphate flame retardant and a tackifying resin. Although the Examiner has referenced several places in the Parsons reference where e.g. tackifying resins are used with other types of adhesives, she has not shown where Parsons discloses the use of a tackifying resin with an acrylic adhesive having an ammonium polyphosphate flame retardant component. Table I, column 6, mentioned by the Examiner, does not include an acrylate.

Accordingly, Parsons cannot fairly be seen as anticipating or suggesting Applicants' novel flame-retardant pressure-sensitive adhesive, and the rejection of claims 1-4, 6-8, 10-13, 18-27, 31 and 32 under 35 U.S.C. 102(b) as anticipated by Parsons (US 5,851,663) should therefore be withdrawn.

Claims 1-3, 5-15, 19 and 21-29 stand rejected under 35 U.S.C.102(a or e) as anticipated by Sakurai (US 6,893,583 or US 2002/0193487) in view of evidence provided in US 6,488,958 to Himmelsbach.

Applicants have previously pointed out that the Sakurai references do not teach or suggest anything at all about a combination of an acrylate adhesive component with a tackifying resin and a flame retardant. The so-called "resins" that the Examiner

referred to at column 5 are not tackifying resins, but rather are elastomers added to improve impact resistance.

In response to this having been pointed out to the Examiner, she now refers to Sakurai's use of paraffins, waxes, lanolin and the like and contends that these compounds are well-known tackifiers, citing Himmelsback for support of that proposition. However, Applicants' claims require tackifying resins, and paraffins, waxes, lanolin and the like are not tackifying resins !

In the absence of some teaching or suggestion of a combination of an acrylate adhesive, a tackifying resin and ammonium polyphosphate, the Sakurai reference(s) cannot be seen as rendering Applicants' claims anticipated, and the rejection of claims 1-3, 5-15, 19 and 21-29 under 35 U.S.C.102(a or e) as anticipated by Sakurai (US 6,893,583 or US 2002/0193487) should be withdrawn.

Finally, claims 1-32 stand rejected under 35 U.S.C. 103(a) as obvious over Parsons (US 5,851,663) or Sakurai (US 6,893,583 or US 2002/0193487) in view of Nishumura (US 2005/0227065). The Examiner cites Nishumura for a teaching of "other monomers" of acrylates, photoinitiators and specific molecular weights.

No "other monomers" of acrylates, photoinitiators or specific molecular weights could possibly overcome the differences shown above between the disclosure of the primary references and subject-matter of Applicants' claims.

The rejection of claims 1-32 under 35 U.S.C. 103(a) as obvious over Parsons (US 5,851,663) or Sakuari (US 6,893,583 or US 2002/0193487) in view of Nishumura (US 2005/0227065) should therefore now be withdrawn.

In view of the present amendments and remarks, it is believed that claims 1 – 32 are now in condition for allowance. Reconsideration of said claims by the Examiner is respectfully requested, and the allowance thereof is courteously solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Appellants request that this be considered a petition therefor. Please charge the required petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fee or credit any excess to Deposit Account No. 14-1263.

Respectfully submitted,
NORRIS, McLAUGHLIN & MARCUS, P.A.

By /William C. Gerstenzang/
William C. Gerstenzang
Reg. No. 27,552

WCG/tmcc
875 Third Avenue- 18th Floor
New York, New York 10022
(212) 808-0700